



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

AUG 27 2019

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

### **MEMORANDUM**

SUBJECT: Recusal Statement

FROM: David Fischer  
Deputy Assistant Administrator

TO: Alexandra Dapolito Dunn  
Assistant Administrator

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed, as well as my own attorney bar obligations.

#### *FINANCIAL CONFLICTS OF INTEREST*

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that I do not currently have any significant financial conflicts of interest but will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

## *OBLIGATIONS UNDER EXECUTIVE ORDER 13770*

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employers, **IBEX Partners, LLC** and the **American Chemistry Council**, or any former client to whom I provided legal or consultative services during the past two years prior to my joining federal service, is a party or represents a party. Under the terms of the pledge, this recusal lasts for two years from the date that I joined federal service.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means that the meeting should include a multiplicity of parties representing a diversity of viewpoints. If my former employer is present, then I understand that, generally speaking, at least four other parties should be present to ensure that a diversity of viewpoints is represented and not the same united perspective.

RECUSAL LIST In effect until July 8, 2021	
FORMER EMPLOYERS:	IBEX Partners, LLC American Chemistry Council
FORMER CLIENTS:	American Chemistry Council Battery Council International City of Rippon (California) Foundation for Chemistry Research and Initiatives National Association of Surface Finishing Vulcan Materials Company

## *ATTORNEY BAR OBLIGATIONS*

Pursuant to my obligations under my bar rules, I recognize that I am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I participated in personally and substantially while in private practice, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics.

### *SCREENING ARRANGEMENT*

In order to ensure that I do not participate in matters relating to the entities listed above, I will instruct Lek Kadeli, Acting Deputy Assistant Administrator, to assist in screening EPA matters directed to my attention that involve those entities. All inquiries and comments involving the entities on my recusal list should be directed to Mr. Kadeli without my knowledge or involvement.

If Mr. Kadeli determines that a particular matter will directly involve any of the entities on my recusal list, then he will refer it for action or assignment to another, without my knowledge or involvement. In the event that he is unsure whether an issue is a particular matter from which I am recused, then he will consult with OGC/Ethics for a determination. I will provide a copy of this memorandum to Justina Fugh, Director, Ethics Office.

### *UPDATE AS NECESSARY*

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes to my screening arrangement, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

cc: Lek Kadeli, Acting Deputy Assistant Administrator  
Justina Fugh, Director, Ethics Office





## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

AUG 29 2019

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

### **MEMORANDUM**

SUBJECT: Recusal Statement

FROM: Lynn Dekleva  
Environmental Engineer

A handwritten signature in blue ink, appearing to read "Lynn Dekleva", is written over the printed name and title.

TO: Alexandra Dapolito Dunn  
Assistant Administrator

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligations to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed. This recusal statement supersedes my April 16, 2019 recusal statement, and updates my ethics obligations with respect to my former employer.

#### *FINANCIAL CONFLICTS OF INTEREST*

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that I do not currently have any significant financial conflicts of interest but will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

## *OBLIGATIONS UNDER EXECUTIVE ORDER 13770*

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employer -- **Dow, Inc.; DuPont de Nemours, Inc. (DuPont); and Corteva**<sup>1</sup> -- is a party or represents a party. I understand that my recusal lasts for two years from the date that I joined federal service.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means five or more parties who represent a diversity of interests rather than one shared perspective.<sup>2</sup>

## *SCREENING ARRANGEMENT*

In order to ensure that I do not participate in matters relating to my former employer, I will instruct Lek Kadeli, Acting Deputy Assistant Administrator for Management, to assist in screening EPA matters directed to my attention that involve Dow, DuPont or Corteva. All inquiries and comments involving those entities should be directed to Lek Kadeli without my knowledge or involvement until after my recusal period ends.

If Lek Kadeli determines that a particular matter will directly involve my former employer, then he will refer it for action or assignment to another, without my knowledge or involvement. In the event that he is unsure whether an issue is a particular matter from which I am recused, then he will consult with OGC/Ethics for a determination. I will provide a copy of this memorandum to Justina Fugh, Director, Ethics Office.

## *UPDATE AS NECESSARY*

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes to my screening arrangement, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

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<sup>1</sup> In 2019, DowDuPont separated into three separate companies: Dow, DuPont and Corteva. Although the creation of Corteva occurred after I left the company, I am nevertheless including it on my recusal list to avoid even the appearance of an ethics issue.

<sup>2</sup> I understand that such meetings “do not have to be open to every corner, but should include a multiplicity of parties. For example, if an agency is holding a meeting with five or more stakeholders regarding a given policy or piece of legislation, then I could attend such a meeting even if one of the stakeholders is a former employer or former client.” See Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13770 pursuant to OGE Legal Advisory LA-17-03 (3/20/17).

cc: David Fischer, Deputy Assistant Administrator  
Justina Fugh, Director, Ethics Office